



PLANNING COMMISSION STAFF REPORT

File No.	CP15-075
Applicant	Ericsson Incorporated
Location	Southeast corner of Blossom Hill Road and Blossom Park Lane
Existing Zoning	R-1-8 Single Family Residence District
Council District	10
Historic Resource	No
Annexation Date	April 20, 1962
CEQA	Addendum to Mitigated Negative Declaration for the Google Fiber project, Resolution No. 77591

APPLICATION SUMMARY:

Conditional Use Permit to allow the installation of a utility facility with an associated generator on an approximately 0.61 gross acre site.

RECOMMENDATION:

Staff recommends that the Planning Commission **approve** the **Conditional Use Permit** based on the facts and findings in this staff report and proposed resolution (attached), subject to the conditions stated in said resolution.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Open Space, Parklands and Habitat designation <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		Goal IN-6; Policy IN-6.1; Policy CD-4.12	
Inconsistent Policies		N/A	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Open Space	R-1-8 Single Family Residence	Vacant lot
South	Open Space	R-1-8 Single Family Residence (PD)	Vacant lot
East	Residential Neighborhood	R-1-8 Single Family Residence	Residential
West	Mixed Use Neighborhood	R-M Multi-Family Residential	Residential
RELATED APPROVALS			
Date	Action		
N/A	(None)		

PROJECT DESCRIPTION

On November 5, 2015, the applicant Ericsson Incorporated, applied for a Conditional Use Permit to allow an approximately 347 square foot tan-colored concrete utility structure on a 405 square foot pad and a cinder block enclosed generator on a vacant 0.61 acre site. The utility structure would contain a battery cabinet, electrical equipment, communications equipment racks, and conduits with air condition units attached to the exterior of the building. The equipment shelter and cinder block enclosed generator would be screened by a six-foot high, fine mesh chain link fence. The equipment shelter is proposed to be approximately 11 feet high. The subject site is located within the R-1-8 Single Family zoning district which requires a Conditional Use Permit for utility facilities pursuant to San José Municipal Code Section 20.30.100.

This proposed utility structure is a part of a larger project to construct fiber-to-the-premises (FTTP) infrastructure. The applicant intends to provide communication services (including internet and video service) throughout the City of San José. On December 1, 2015, the City Council approved Network Hut License Agreements and a Master Encroachment Permit to implement the community-wide telecommunications facilities network. The Master Permit includes a total of nine sites in Phase 1 and this site would be one of these nine.

The subject site is owned by the City of San José and is currently undeveloped. The site is predominately void of vegetation except for a scattering of trees on the site. No trees are proposed to be removed at this time. PG&E power lines run north-south on the subject site, but the proposed structures are located outside of the power line easement. Single family homes border the east and west of the site; the closest residences to the east and west are approximately 79 feet and 83 feet respectively from the proposed project. Due to the long rectangular shape of the subject lot, there are no residences directly to the north and south. The proposed facility would not be staffed except for monthly maintenance operations and would be accessed from a public street, Blossom Hill Road.

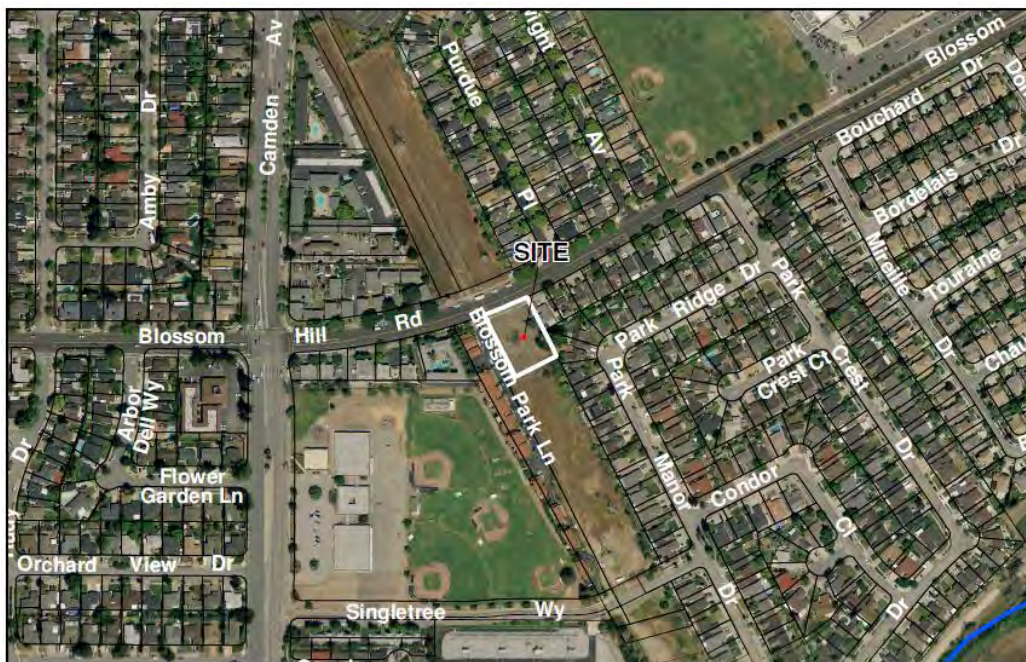


Figure 1: Aerial photograph of the site

ANALYSIS

Envision San José 2040 General Plan Conformance

The proposed project site has an Envision San Jose 2040 General Plan Land Use/Transportation Diagram designation of Open Space, Parklands and Habitat.

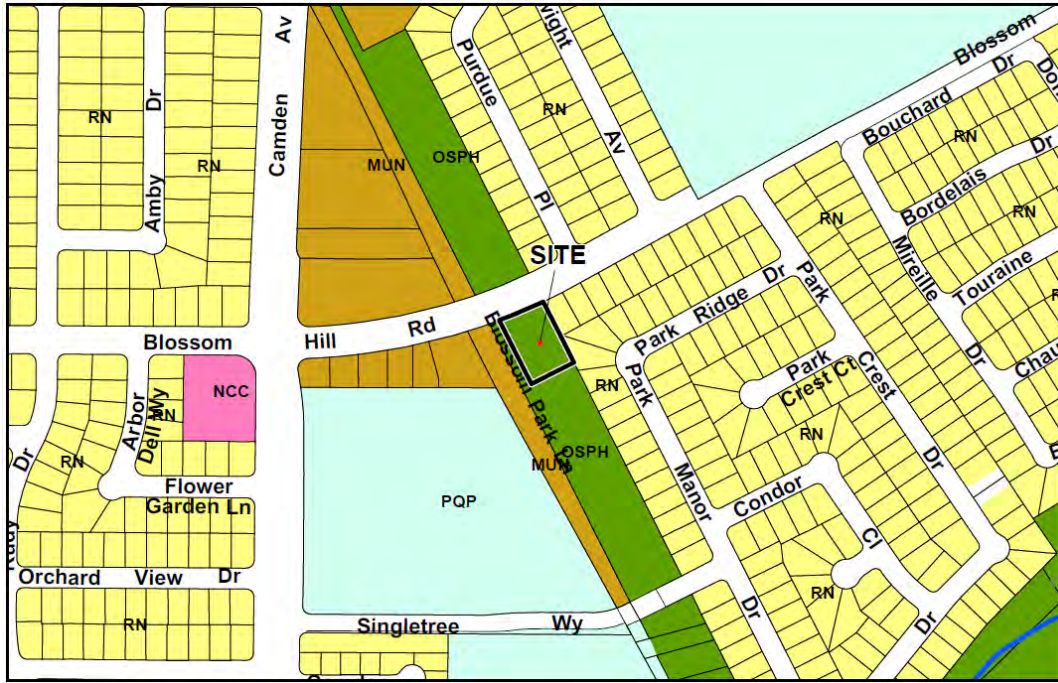


Figure 2: General Plan map

The Open Space, Parklands and Habitat designation is intended for low intensity uses. Lands in this designation are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves and other permanent open space areas. This designation is applied within the Urban Growth Boundary to lands that are owned by non-profits or public agencies that intend their permanent use as open space, including lands adjacent to various creeks throughout the City.

Telecommunications facilities provide a service to the surrounding residents and businesses. The proposed project is a low intensity use that would require only a few vehicle trips per month for maintenance of the equipment. The project does not contain large buildings and given the small footprint relative to the lot size, a majority of the lot would remain open space, consistent with the Open Space, Parklands and Habitat General Plan designation. Although telecommunications facilities are not specifically identified as a use in the Open Space, Parklands and Habitat designation, the low intensity use, small footprint, and additional telecommunication services provided to the community make it consistent with the Open Space, Parklands and Habitat designation. The proposed project is also consistent with the following General Plan policies:

1. Goal IN-6- Telecommunications: Support the provision of state-of-the-art telecommunication services for households, business, institutions, and public agencies throughout the city to foster fiscal sustainability, an innovated economy, support environmental leadership, meet the needs of quality neighborhoods and advance other Envision San Jose General Plan goals.

Analysis: The proposed project provides telecommunication services to meet the needs of the neighboring community and the City as a whole.

2. Policy IN-6.1: Work with service providers to ensure access to and availability of a wide range of state-of-the-art telecommunication systems and services for households, businesses, institutions, and public agencies throughout the city.

Analysis: The proposed project would provide enhanced telecommunications services for the households of the City of San José.

3. Community Design Policy - 4.12: For structures other than buildings, and including structures on top of buildings, such as solar panels, other energy-saving or generating devices, roof landscaping, steeples, bell towers, and wireless communication antennae, where substantial height is intrinsic to the function of the structures, consider heights above those established for structures in the area. Locate such structures to minimize public visibility and avoid significant adverse effects on adjacent properties. Incorporate visual amenities, such as landscaping, to offset potential adverse visual impacts.

Analysis: The height of the generator pad and utility structure is 11 feet, which would not have an adverse visual impact on adjacent properties given the structure's height relative to the neighboring homes to the east and west. Neighboring homes to the east are typically one story and approximately 15 to 18 feet high and neighboring homes to the west are approximately 27 feet high. Structures to the east and west are approximately 79 feet and 83 feet away from the proposed development, respectively. Views to the development are obstructed by existing solid wood fences along the property lines separating the adjacent properties. The equipment shelter would be painted tan, allowing the structure to blend in with the neighborhood earth tones in the area and the surrounding open space. The security fencing would consist of small wire mesh with a steel frame which would have a minimal view impact.

Zoning Ordinance Conformance

The project site is in the R-1-8 Single-Family Residential Zoning District and the utility structure meets the setbacks and development standards required in that the structure is located more than 25 feet from the front property line, more than 20 feet from the rear property line, and more than 5 feet from either of the side property lines. The site would not be staffed, and thus does not require on-site parking spaces. Utility structures in this zoning district require approval of a Conditional Use Permit pursuant to San José Municipal Code Section 20.30.100.

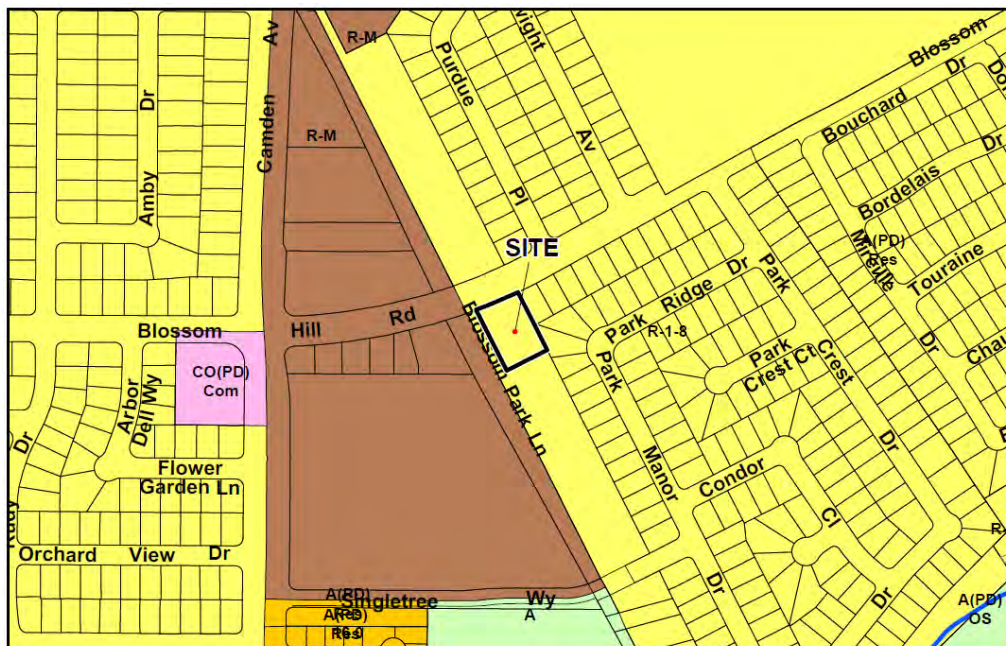


Figure 3: Zoning Designation

Conditional Use Permit Findings. Chapter 20.100 of Title 20 of the San José Municipal Code establishes required findings for issuance of a Conditional Use Permit.

- a. The proposed use at the location requested will not:
 - i. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - ii. Impair the utility of value of the property of other persons located within the vicinity of the site; or
 - iii. Be detrimental to public health, safety or general welfare.

Analysis: The proposed project would be located approximately 79 feet from the closest residential structure (to the east) and would not adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area. Existing vegetation and fencing along both sides of the property obscure views of the subject site from the adjacent residences. Based on the results of a noise study conducted by EBI Consulting on November 2, 2015 noise from the generator would not exceed 55 decibels at the property line (which is the maximum noise level allowed per the San Jose Municipal Code Section 20.40.600) according to a noise report prepared by EBI Consulting dated November 2, 2015. Thus, the proposed utility structure would not adversely affect the peace, health, safety, morals, or welfare or persons residing or working in the surrounding area.

- b. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and

Analysis: The subject site and project complies with the applicable development standards of the San José Municipal Code and the R-1-8 Single-Family Residential Zoning District. The proposed utility structure and fencing have been designed to integrate with the surrounding area of the proposed structure. The subject site is adequate in size and shape to accommodate all necessary facilities.

- c. The proposed site is adequately served:
 - i. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
 - ii. By other public or private service facilities as are required.

Analysis: The subject site is well-served and is easily accessible by Blossom Hill Road. Approval of this Conditional Use Permit would not detrimentally impact access and service currently provided by surrounding highways and streets. The facility will be unmanned other than for intermittent maintenance, which will further reduce impacts.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)


The environmental impacts of this project are addressed by the Google Fiber Mitigated Negative Declaration (MND) adopted by City Council Resolution No. 77591 on December 1, 2015 and the Addendum to the MND prepared to evaluate any potential site-specific impacts (Addendum). The MND analyzed and disclosed potential impacts of the Google Fiber project related to aesthetics, biological and cultural resources, hydrology and water quality, and noise. The Addendum did not identify any new significant effects not discussed in the MND. Staff recommends the consideration of the Addendum to the Mitigated Negative Declaration for the Google Fiber Project adopted by City Council on December 1, 2015 (Resolution No. 77591) in accordance with CEQA.

The MND is available for review at: <http://www.sanjoseca.gov/index.aspx?nid=2165>.

PUBLIC HEARING NOTIFICATION

In order to inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Project Manager: Emily Lipoma

Approved by: , Planning Official for Harry Freitas, Planning Director

Date: 3/5/16

Attachments:

Exhibit A: Draft Resolution

Exhibit B: Reduced Plan Set

Exhibit C: Addendum to Mitigated Negative Declaration

Owner:

City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Applicant:

Nancy Sandoval
2795 Augustine Drive
Santa Clara, CA 95054

RESOLUTION NO.

A Resolution of the Planning Commission of the City of San José granting, subject to conditions, a Conditional Use Permit to allow the installation of a telecommunications utility facility with an associated generator on a 0.61 gross acre site located at the southeast corner of Blossom Hill Road and Blossom Park Lane.

FILE NO. CP15-075

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on November 5, 2015, an application (File No. **CP15-075**) was filed by Ericsson Incorporated with the City of San José for a Conditional Use Permit to allow the installation of a telecommunications utility facility and an associated generator on a 0.61 gross acre site, on that certain real property situated in the R-1-8 Zoning District and located at the southeast corner of Blossom Hill Road and Blossom Park Lane (which real property is sometimes referred to as the "subject property"); and

WHEREAS, the subject property is all that real property more particularly described in Exhibit "A," entitled "Legal Description," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the Google Fiber project (the "MND") which was adopted by the City Council on December 1, 2015 by Resolution No. 77591; and

WHEREAS, the subject Conditional Use Permit is part of the implementation of the Google Fiber project; and

WHEREAS, an Addendum to the MND was prepared for the subject Conditional Use Permit to evaluate any potential site-specific impacts; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a development plan for the subject property entitled "SFO107," dated March 7, 2016, said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone

interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said public hearing was conducted before the Planning Commission in all respects as required by the San José Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSE THAT:

1. **Site Description and Surrounding Uses.** The property is owned by the City of San Jose and is currently a vacant lot with a scattering of trees and low-lying shrubs located on the southeast corner of Blossom Hill Road and Blossom Park Lane. PG&E above grade power lines run north-south on the subject site. Single- and multi-family residential structures are located east and west of the subject property. Vacant lots are located to the north and south of the subject property.
2. **Project Description.** The project is to construct an approximately 347 square foot tan-colored concrete utility structure on a 405 square foot pad and a cinder block enclosed generator on a vacant 0.61 acre site. The utility structure would be located at the northernmost portion of the site, approximately 30 feet from the property line. The utility structure would contain a battery cabinet, electrical equipment, communications equipment racks, and conduits with air condition units attached to the exterior of the building. The equipment shelter and cinder block-enclosed generator would be screened by a six-foot fine mesh chain link fence. The equipment shelter is proposed to be approximately 11 feet high. No trees are proposed to be removed from the site. This site is one of nine Google Fiber Hut sites to implement a community-wide telecommunications facility network.
3. **Public Works Access.** The project does not propose a driveway for vehicular access to maintain the proposed facility site. If vehicular access is required in the future, a driveway permit would be required from the Department of Public Works. Any required ingress and egress easements would be coordinated with the Office of Real Estate and approved final easements would be approved by the City Council.
4. **General Plan Conformance.** The proposed project site has an Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Open Space, Parklands and Habitat. The Open Space, Parklands and Habitat designation is intended for low intensity uses. Lands in this designation are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves and other permanent open space areas. This designation is applied within the Urban Growth Boundary to lands that are owned by non-profits or public agencies that intend their permanent use as open space, including lands adjacent to various creeks throughout the City.

The proposed project is a low intensity use on open space undeveloped land owned by the City that would require only a few vehicle trips per month for maintenance of the equipment. The project would not include the construction of large buildings and given the proposed project's small footprint relative to the lot size (i.e., 405 square feet on 0.61 acre), a large majority of the lot would remain open space, consistent with the Open Space, Parklands and Habitat General Plan designation. Although telecommunications facilities are not specifically identified as a use in the Open Space, Parklands and Habitat designation, the low intensity use, small footprint, and additional telecommunication services provided to the community make it consistent with the Open Space, Parklands and Habitat designation. The proposed project is consistent with the following General Plan policies:

Goal IN-6- Telecommunications: Support the provision of state-of-the-art telecommunication services for households, business, institutions, and public agencies throughout the city to foster fiscal sustainability, an innovated economy, support environmental leadership, meet the needs of quality neighborhoods and advance other Envision San José General Plan goals.

The proposed project provides telecommunication services to meet the needs of the neighboring community and the City as a whole.

Policy IN-6.1: Work with service providers to ensure access to and availability of a wide range of state-of-the-art telecommunication systems and services for households, businesses, institutions, and public agencies throughout the city.

The proposed project will provide enhanced telecommunications services for the households in the City of San José.

Community Design Policy - 4.12: For structures other than buildings, and including structures on top of buildings, such as solar panels, other energy-saving or generating devices, roof landscaping, steeples, bell towers, and wireless communication antennae, where substantial height is intrinsic to the function of the structures, consider heights above those established for structures in the area. Locate such structures to minimize public visibility and avoid significant adverse effects on adjacent properties. Incorporate visual amenities, such as landscaping, to offset potential adverse visual impacts.

The height of the utility structure is 11 feet, which does not have an adverse visual impact on adjacent properties given the structure's height relative to the neighboring homes to the east. Neighboring homes to the east are typically one story and approximately 15 to 18 feet high and neighboring homes to the west are two stories and approximately 27 feet high. Structures to the east and west are approximately 79 feet and 83 feet away from the proposed development, respectively. Views to the development are obstructed by existing solid wood fences along the property lines separating the adjacent properties. The equipment shelter would be painted tan, allowing the structure to blend in with the neighborhood earth tones in the area and the surrounding vacant open space. The fencing would consist of small wire mesh with a steel frame which would soften the appearance of the structure.

5. **Zoning Ordinance Conformance.** The project site is in the R-1-8 Single-Family Residential Zoning District and the proposed equipment structure meets the setback and development standards required in that the structure is located more than 25 feet from the front property line, more than 20 feet from the rear property line, and more than 5 feet from either of the side property lines. The site would be unmanned and does not require on-site parking spaces. The equipment would be accessed from parking along Blossom Hill Road and walking onto the site. Utility structures in this zoning district require approval of a Conditional Use Permit.
6. **Conditional Use Permit Findings.** Chapter 20.100 of Title 20 of the San José Municipal Code establishes required findings for issuance of a Conditional Use Permit.
 - a. The proposed use at the location requested will not:
 - i. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - ii. Impair the utility or value of the property of other persons located within the vicinity of the site; or
 - iii. Be detrimental to public health, safety or general welfare.

The proposed project would be located approximately 79 feet from the closest residential structure (to the east). Existing vegetation and fencing along both sides of the property obscure views of the subject site from the adjacent residences. Based on results of a noise study conducted by EBI Consulting on November 2, 2015, noise from the generator would not exceed 55 decibels at the property line (which is the maximum noise level allowed per the San Jose Municipal Code Section 20.40.600). Thus, the proposed utility structure would not adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area.

- b. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and

The subject site and project complies with the applicable development standards of the San José Municipal Code and the R-1-8 Single-Family Residential Zoning District. The proposed utility structure would be fully contained within the walls and fencing of the proposed structure. The subject site is adequate in size and shape to accommodate all necessary facilities.

- c. The proposed site is adequately served:

- i. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
- ii. By other public or private service facilities as are required.

The subject site is well-served and is easily accessible to maintenance personnel from Blossom Hill Road. Approval of this Conditional Use Permit would not detrimentally impact access and service currently provided by surrounding highways and streets. The facility would be unmanned other than for intermittent maintenance which will further reduce impacts.

- 7. **Environmental Clearance.** The environmental impacts of this project are addressed by the Google Fiber Mitigated Negative Declaration (MND) adopted by City Council Resolution No. 77591 on December 1, 2015 and the Addendum to the MND prepared to evaluate any potential site-specific impacts (Addendum). The MND analyzed and disclosed potential impacts related to aesthetics, biological and cultural resources, hydrology and water quality, and noise. The Addendum did not identify any new significant effects not discussed in the MND.

In accordance with the findings set forth above, a Conditional Use Permit (referred to herein as the "Permit" or "Conditional Use Permit") to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. This Planning Commission expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS

- 1. **Acceptance of Conditional Use Permit.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the applicant fail to file a timely and valid appeal of this Conditional Use Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:

- a. Acceptance of the Permit by the applicant; and

- b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
2. **Permit Expiration.** This Conditional Use Permit shall automatically expire two (2) years from and after the date of issuance hereof by the Planning Commission, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Conditional Use Permit. The date of issuance is the date this Permit is approved by the Planning Commission. However, the Director of Planning, Building and Code Enforcement may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20 of the San José Municipal Code. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit.** Procurement of a Building Permit from the Building Official for the structures described or contemplated under this Conditional Use Permit shall be deemed acceptance of all conditions specified in this Conditional Use Permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Chief Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Public Works.** Prior to the issuance of Public Works Clearance, a grading permit may be required from the Department of Public Works.
5. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
6. **Use Authorization.** This Conditional Use Permit authorizes the installation of a 347 square foot telecommunications utility structure and a generator on a 0.61 gross acre site.
7. **Conformance to Plans.** The development of the site shall conform to the approved Conditional Use Permit plans prepared by Ericsson entitled "SFO107," dated March 7, 2016, on file with the Department of Planning, Building and Code Enforcement as may be amended subject to approval of the Director of Planning, Building, and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24). The approved Conditional Use Permit plans are referred to herein as "the approved plans" or the "Approved Plan Set".
8. **Discontinuation of Use.** Upon discontinuation of the use of the subject utility structure, the applicant shall remove all improvements and related equipment/enclosures associated with this Permit within 30 days from date of discontinuation of the use.

9. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
10. **Compliance with Laws.** The subject use shall be conducted in full compliance with all local, state and federal laws and regulations. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
11. **Compliance with Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.** This project shall conform to all applicable requirements of the Google Fiber Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program approved for this development adopted on December 1, 2015, by City Council Resolution No. 77591 including the following:
 - a. **Diesel Particulate Matter:** Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR 2014]). Clear signage shall be provided for construction workers at all access points.
 - b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked and determined to be running in proper condition prior to operation.
 - c. **Dust Emissions:** The following measures shall be noted on all approved construction plans and shall be implemented during construction:
 - i. Water all active construction areas twice daily or more often if necessary. Increased watering frequency will be required whenever wind speeds exceed 15 miles per hour (mph).
 - ii. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - iii. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
 - iv. Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials will be covered.
 - v. Remove all visible mud or dirt track-out onto adjacent public roads using wet power-vacuum street sweepers at least once per day. The use of dry power-sweeping is prohibited.
 - vi. Subsequent to clearing, grading, or excavating; water, landscape, treat with soil stabilizers, or cover exposed portions of the site as soon as possible. Hydro seed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
 - vii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - viii. Replant vegetation in disturbed areas as soon as possible after completion of construction.
 - ix. Minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage shall be provided for construction workers at all access points.

- x. Maintain and properly tune all construction equipment in accordance with manufacturer specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - xi. Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
- d. **Tree Preservation:**
- i. Damage to any tree during construction shall be reported by the responsible contractor or the owner to the director within 48 hours, and the contractor and/or owner shall treat the tree for damage in the manner specified by a certified City arborist.
 - ii. No construction equipment, vehicles, or materials shall be stored, parked, or standing within portions of the tree dripline on bare ground.
 - iii. Drains shall be installed according to City specifications so as to avoid harm to trees due to excess watering.
 - iv. Wires, signs, and other items shall not be attached to trees.
 - v. Cutting and filling around the bases of trees shall be done only after consultation with a certified City arborist and then only to the extent authorized by the certified arborist.
 - vi. No liquid or solid excess, waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of a tree or uphill from any tree where certain substances might reach the roots.
 - vii. Barricades shall be constructed around the trunks of trees as indicated by the director so as to prevent injury to trees making them susceptible to disease-causing organisms.
 - viii. Appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.
- e. **Construction Noise.** The following conditions shall be implemented to minimize any noise-related disturbance from construction of the project:
- i. All equipment shall be properly maintained and equipped with noise control, such as mufflers, according to manufacturer specifications.
 - ii. Construction equipment shall be located as far from sensitive receptors (e.g., residences, schools, places of worship, and hospitals) as possible, shall be arranged to minimize travel adjacent to noise-sensitive receptors, and shall be turned off during prolonged periods of non-use. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residents.
 - iii. Reasonable and customary noise reduction measures, including the use of sound barriers or sound curtains, shall be implemented and the name and telephone number of a person for the public to contact to resolve noise-related problems shall be posted.
 - iv. Property owners shall be notified of construction in general through public outreach, including door hangers prior to the initiation of construction, as a condition of the Encroachment Permit prior to start of work.

12. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code
13. **Air Conditioners.** The following shall apply to the air conditioning equipment:
 - a. The air conditioner units shall be designed such that no more than two of the units shall be running during the day (7:00 a.m. to 10:00 p.m.) and only one unit shall be running at night (10:00 p.m. to 7:00 p.m.)
 - b. The air conditioners shall be equipped with enclosures that shall provide acoustical attenuation above and beyond the standard design of the units.
14. **Emergency Generator.** The following shall apply to the emergency generator:
 - a. The emergency generator shall be fueled by natural gas and shall be rated at 85 kW or similar size.
 - b. The emergency generator shall incorporate standard noise attenuation features (e.g. a muffler) and shall only be used in emergency situations and during intermittent testing.
 - c. An 8-foot concrete masonry wall shall surround the generator.
15. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the final Approved Plan Set.
16. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings, walls, and other surfaces within 48 hours of defacement.
17. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
18. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning, Building and Code Enforcement through a subsequent Permit Adjustment.
19. **Building Maintenance.** The project applicant shall maintain the project site in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
20. **Perimeter Fencing.** Fence height and materials shall be provided as shown on the approved plans. Changes to the approved fencing shall require review by the Director of Planning, Building, and Code Enforcement.
21. **Colors and Materials.** All colors and materials are to be those specified on the final Approved Plan Set.
22. **Noise.** Noise shall be contained within the structures and the structures shall be adequately insulated to prevent excessive sound from emanating outside. Maximum noise levels emanating from the interior of any of the facilities shall not exceed 55 decibels at any of the adjacent property line.
23. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* The permit file number, CP15-075 shall be printed on all construction plans submitted to the Building Division.

- b. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division shall be required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.

24. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby approved.

APPROVED and issued this **23rd day of March, 2016**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

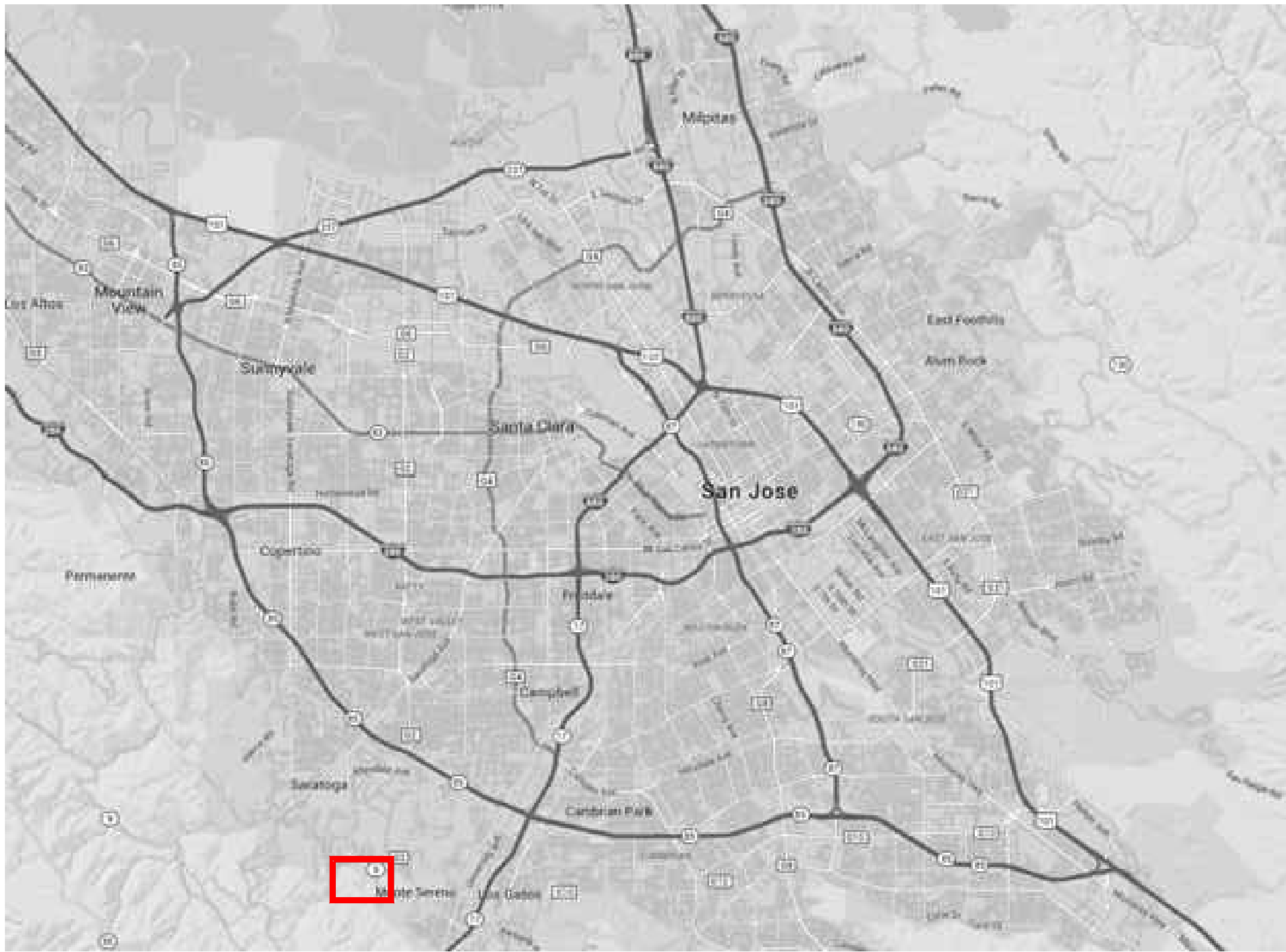
DORI YOB
Chairperson

ATTEST:

HARRY FREITAS
Director of Planning, Building & Code Enforcement
Planning Commission Secretary

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.



VICINITY MAP



CODE COMPLIANCE
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE TO PERMIT WORK NOT CONFORMING TO THESE CODES.
1. CALIFORNIA CODE OF REGULATIONS 2. 2013 CALIFORNIA BUILDING CODE 3. 2013 CALIFORNIA MECHANICAL CODE 4. 2013 CALIFORNIA PLUMBING CODE 5. 2013 CALIFORNIA ELECTRIC CODE 6. ANY LOCAL BUILDING CODE AMENDMENTS TO THE ABOVE 7. 2012 LIFE SAFETY CODE NAFPA-101 8. CITY/COUNTY ORDINANCES
HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FIT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED ACCORDANCE WITH CALIFORNIA ADMINISTRATIVE STATE CODE PART 2, TITLE 24, CHAPTER 11B, SECTION 1103B.

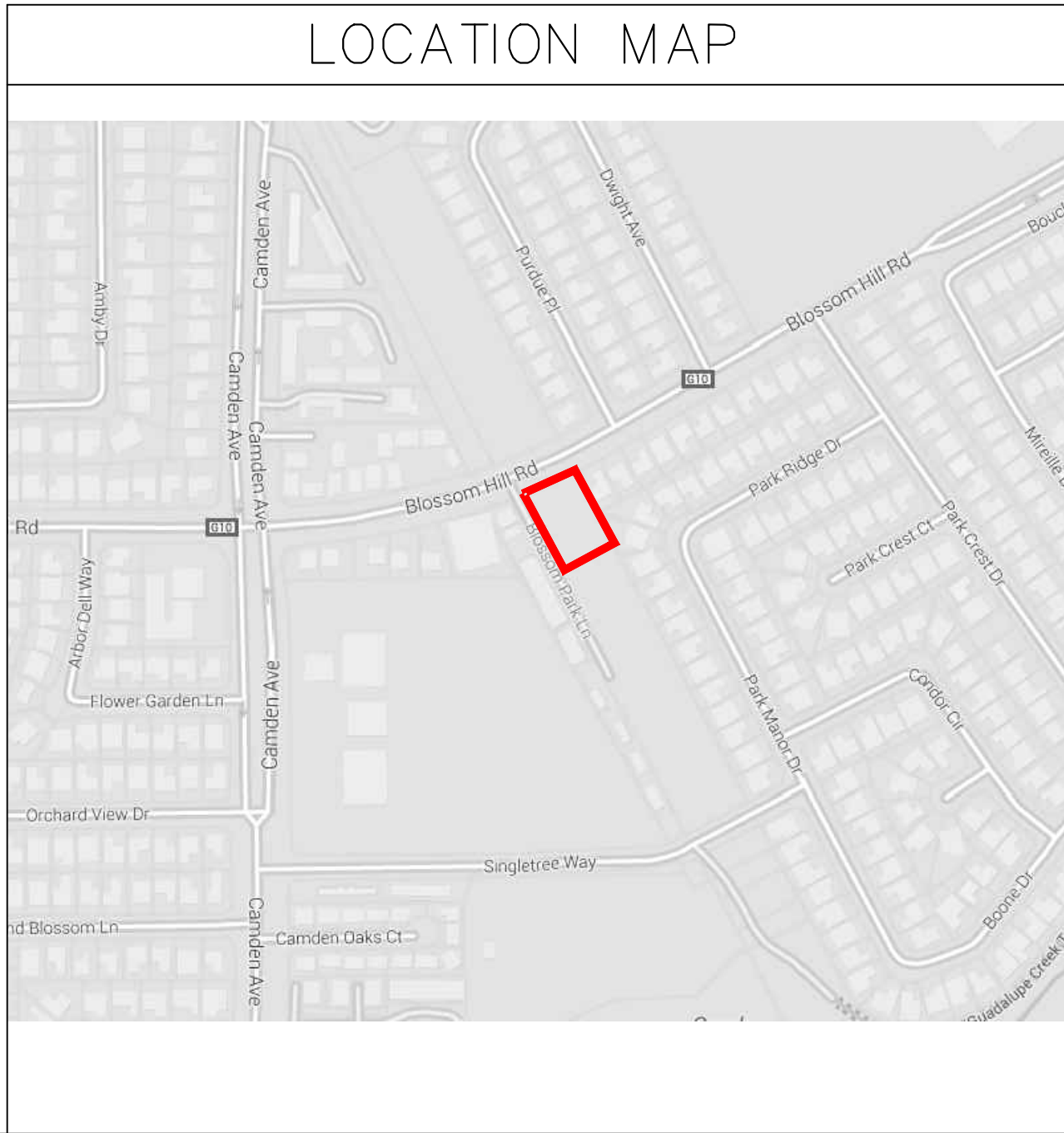
PROJECT DESCRIPTION
THIS IS AN UNMANNED TELECOMMUNICATIONS FACILITY FOR ERICSSON, INC. THAT INCLUDES THE FOLLOWING:
1. A telecommunications hut is a 322 sqft equipment shelter. The hut exterior is 3/8" aggregate panels with Tyvek Building Wrap. The hut contains multiple passive and active electric equipment. The hut contains 4 A/C heating units. 2. The hut is located on top of a 405 sqft concrete pad. 3. An enclosed 281.25 sqft concrete pad for a backup generator. The generator is an 85 KW unit. 4. 176 ft perimeter of 6 ft high chainlink fencing.

DRIVING DIRECTIONS
FROM ERICSSON OFFICE - SANTA CLARA
1. Head west on Augustine Dr toward Bowers Ave
2. Turn right onto Bowers Ave
3. Slight right to merge onto US-101 S
4. Take CA-87 S to Almaden Expy
5. Head south on Almaden Expy
6. Turn right onto Blossom Hill Rd

GENERAL CONTRACTOR NOTES
DO NOT SCALE DRAWING:
CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSION AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PRECEDING WITH THE WORK OR BE RESPONSIBLE FOR THE SAME.

PROJECT TEAM	
<u>ARCHITECT/ENGINEER:</u> Ericsson, Inc. 2795 Augustine Dr., 6th Floor Santa Clara, CA 95054	<u>APPLICANT/LESSEE:</u> Nancy Sandoval - (510) 362-2031 2795 Augustine Dr., 6th Floor Santa Clara, CA 95054
<u>SITE ACQUISITION:</u> Nancy Sandoval - (510) 362-2031 2795 Augustine Dr., 6th Floor Santa Clara, CA 95054	<u>ZONING MANAGER:</u> TBD
<u>OSP ENGINEER:</u> Scott Shafer (408) 662-9763 2795 Augustine Dr., 6th Floor Santa Clara, CA 95054	<u>CONSTRUCTION MANAGER:</u> Keith Warner - (408) 662-9771 2795 Augustine Dr., 6th Floor Santa Clara, CA 95054

PROJECT INFORMATION	
SITE ADDRESS:	1578 Blossom Hill Rd San Jose, CA 95118
APN:	567-28-007
PROPERTY OWNER:	CITY OF SAN JOSE PROPERTY
<u>NAD 83 COORDINATES:</u>	
	37°14'11.65" N
LATITUDE:	121°54'4.00" W
LONGITUDE:	
GROUND ELEVATION:	270'
HEIGHT OF STRUCTURE:	9' 5"
ZONING:	R - 1 - 8
JURISDICTION:	PF (PUBLIC FACILITIES PARK)
TELEPHONE:	CITY OF SAN JOSE
POWER:	PG&E



SHEET INDEX	
1	Title Sheet Site Information and Vicinity Map
2	Site Plan (BASIC): Location Map, Statement, and Tables
3	Site Plan Detail
4	Profile View
5	Hut Floor Plan
6	Site Photos
7	Assesors Parcel Map

APPROVALS
LANDLORD:
CONSTRUCTION MANAGER:
RF ENGINEER:
SITE ACQUISITION MANAGER:
ZONING MANAGER:
UTILITY COORDINATOR:
PROGRAM REGIONAL MANAGER:
NETWORK OPERATIONS MANAGER:

CLIENT:



ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

PROJECT INFORMATION:

SFO107

BLOSSOM HILL RD & BLOSSOM PARK LN
SAN JOSE, CA 95118

CURRENT ISSUE DATE:

3/7/2016

ISSUED FOR:

REV:	DATE:	DESCRIPTION:	BY:

PLANS PREPARED BY:

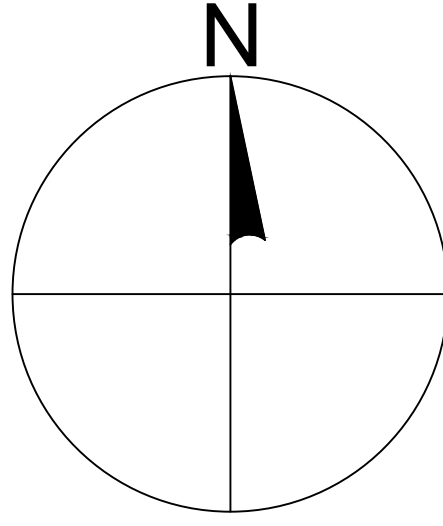


ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

CONSULTANT:

DRAWN BY:	CHK:	APV:
SS	KW	DR

ORIENTATION:



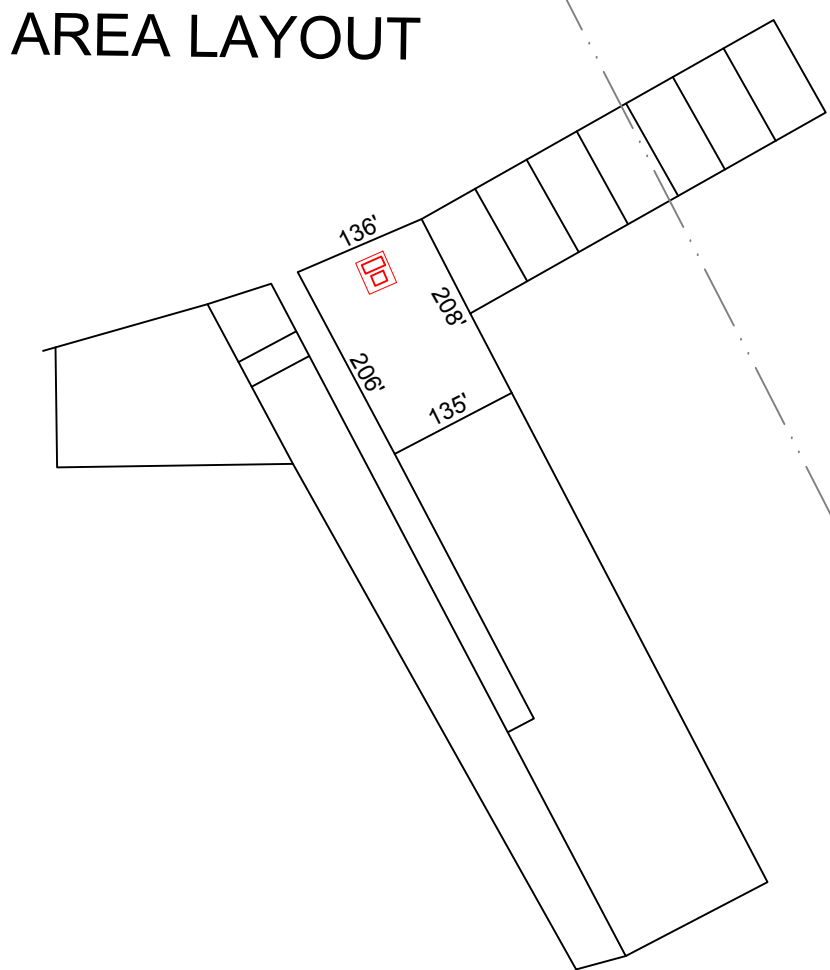
SHEET TITLE:

TITLE SHEET

SHEET NUMBER:

1

AREA LAYOUT



APN: 567-30-006

APN: 567-29-002

APN: 567-29-001

APN: 567-29-074

APN: 567-70-002

APN: 567-70-001

APN: 567-28-007

APN: 567-29-074

APN: 567-28-005

APN: 567-70-005

APN: 567-70-006

APN: 567-70-007

APN: 567-70-008

Statements and Tables

1. Lot size 0.60 AC
2. 0 dwelling units
3. Adjacent use of properties is Residential
4. Total existing floor space = 0 sqft
5. Total proposed gross square footage of floor space of non-residential use
Hut Building Pad = 405 sqft
Generator Pad = 45 sqft
Total sqft = 1262 sqft
6. No existing buildings
7. No proposed parking
8. Easements required for gas, electric, and fiber
9. One proposed Hut Building Pad and one Proposed generator Pad
10. Existing electroliers shown
11. Not in a flood plain
12. No trees to be removed

***NOTE:**
UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND SUBJECT TO CHANGE

CLIENT:



ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

PROJECT INFORMATION:

SFO107

BLOSSOM HILL RD & BLOSSOM PARK LN
SAN JOSE, CA 95118

SCALE: 1:30

CURRENT ISSUE DATE:

3/7/2016

ISSUED FOR:

REV:	DATE:	DESCRIPTION:	BY:

PLANS PREPARED BY:

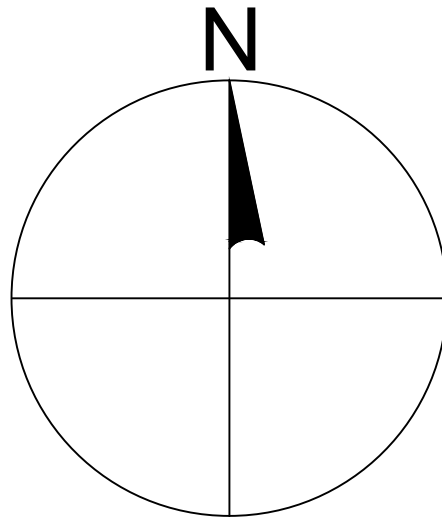


ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

CONSULTANT:

DRAWN BY:	CHK:	APV:
SS	KW	DR

ORIENTATION:

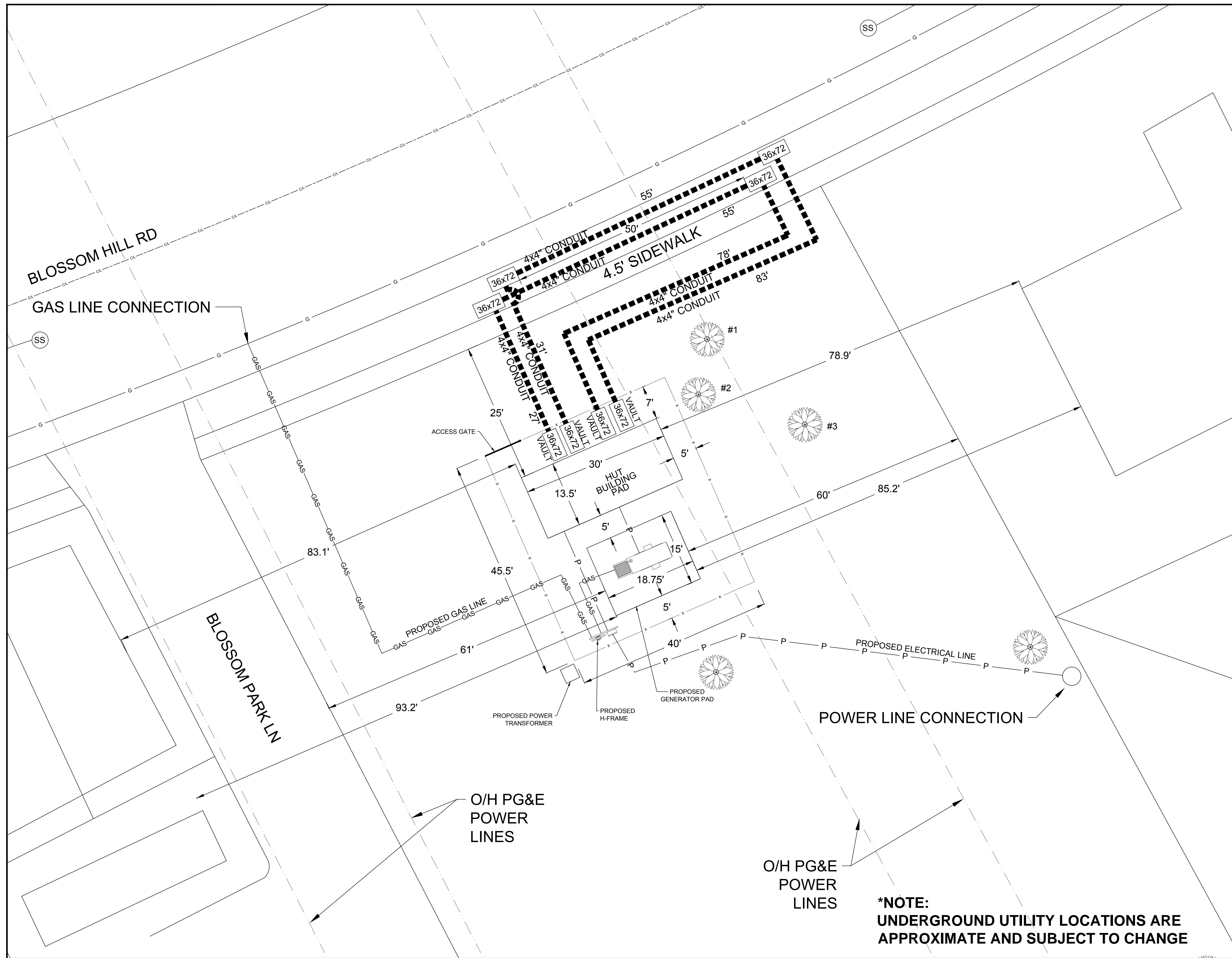


SHEET TITLE:

SITE PLAN

SHEET NUMBER:

2



CLIENT:



ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

PROJECT INFORMATION:

SFO107

BLOSSOM HILL RD & BLOSSOM PARK LN
SAN JOSE, CA 95118

SCALE: 1:15

CURRENT ISSUE DATE:

3/7/2016

ISSUED FOR:

REV:	DATE:	DESCRIPTION:	BY:

PLANS PREPARED BY:

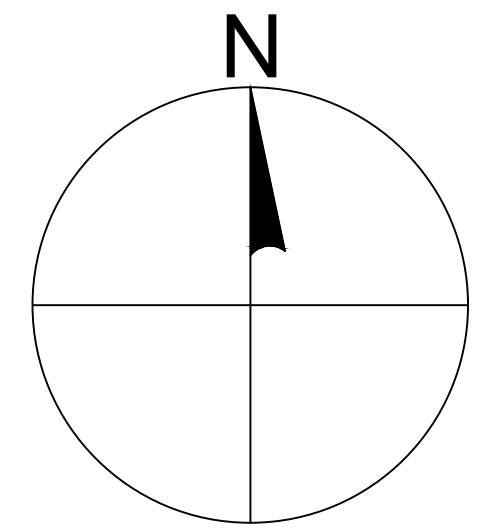


ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

CONSULTANT:

DRAWN BY:	CHK:	APV:
SS	KW	DR

ORIENTATION:



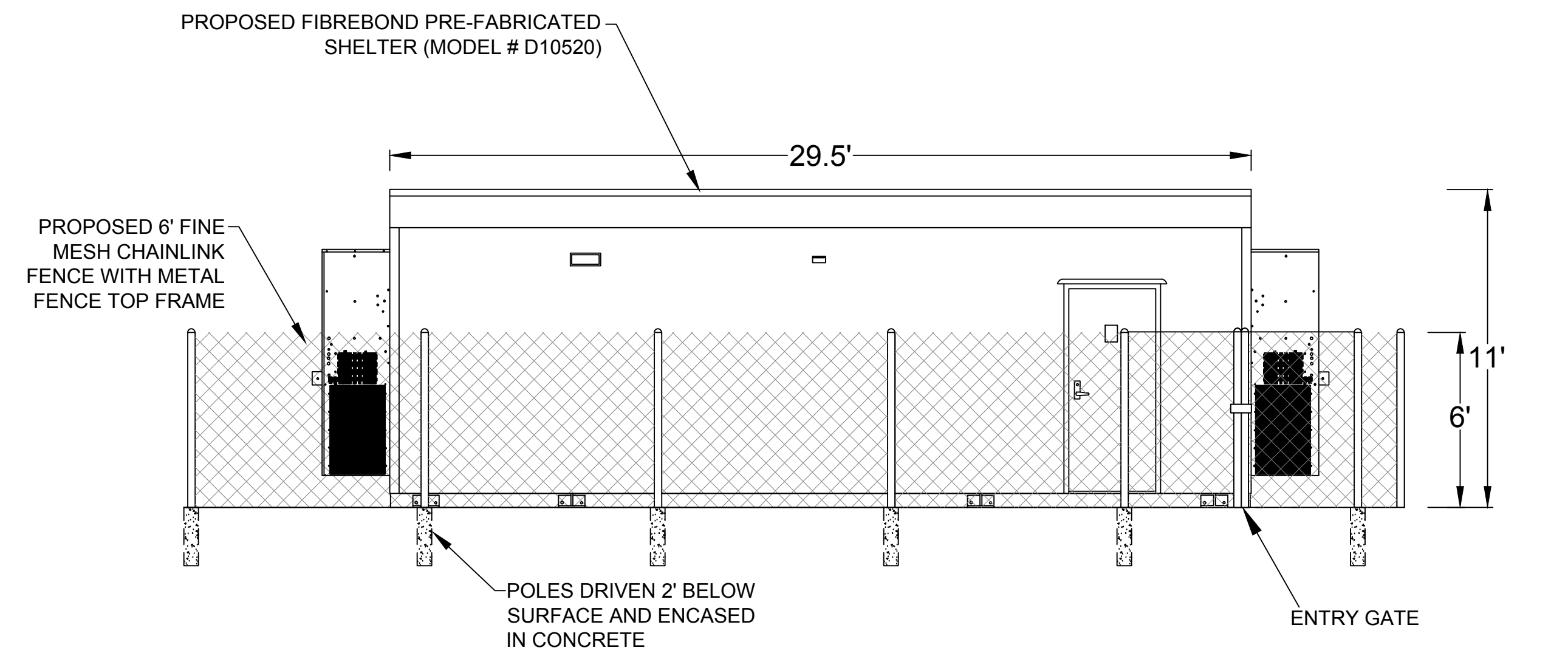
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**SITE PLAN-
DETAILED**

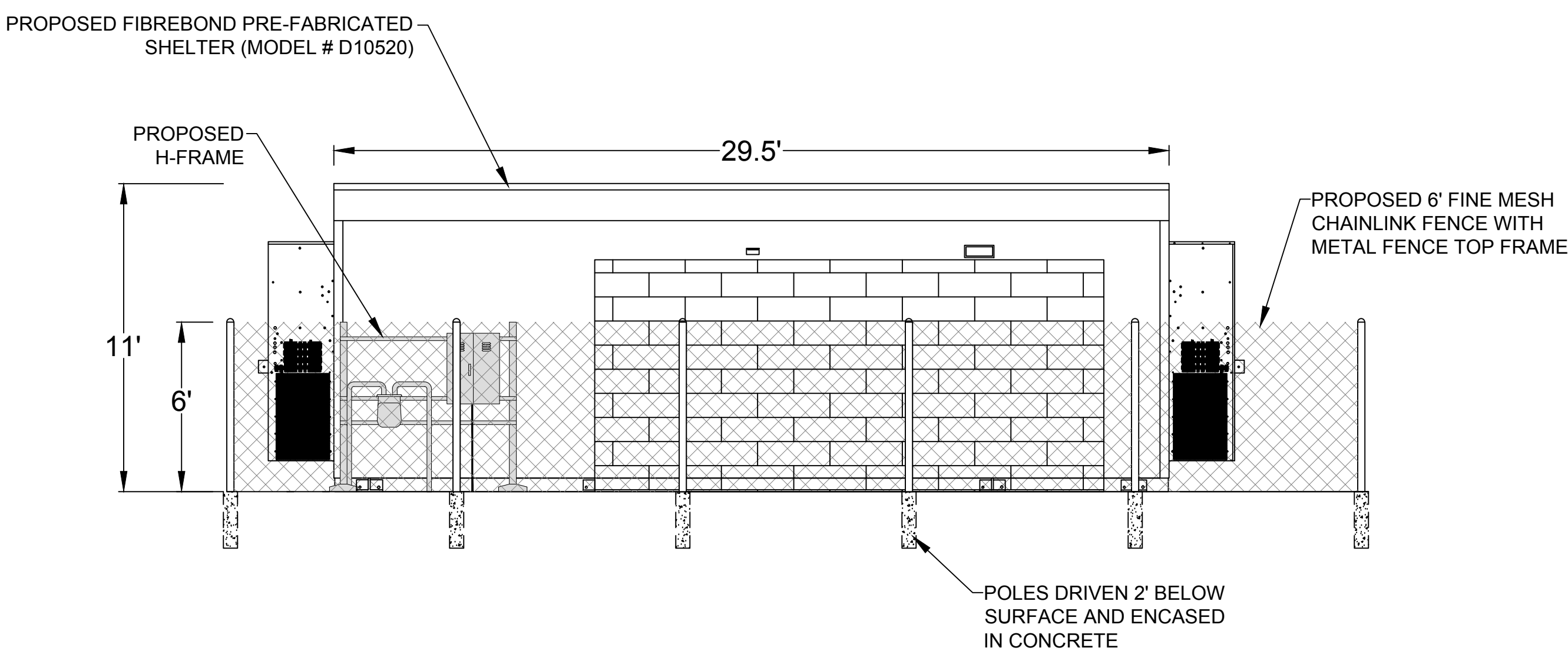
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3

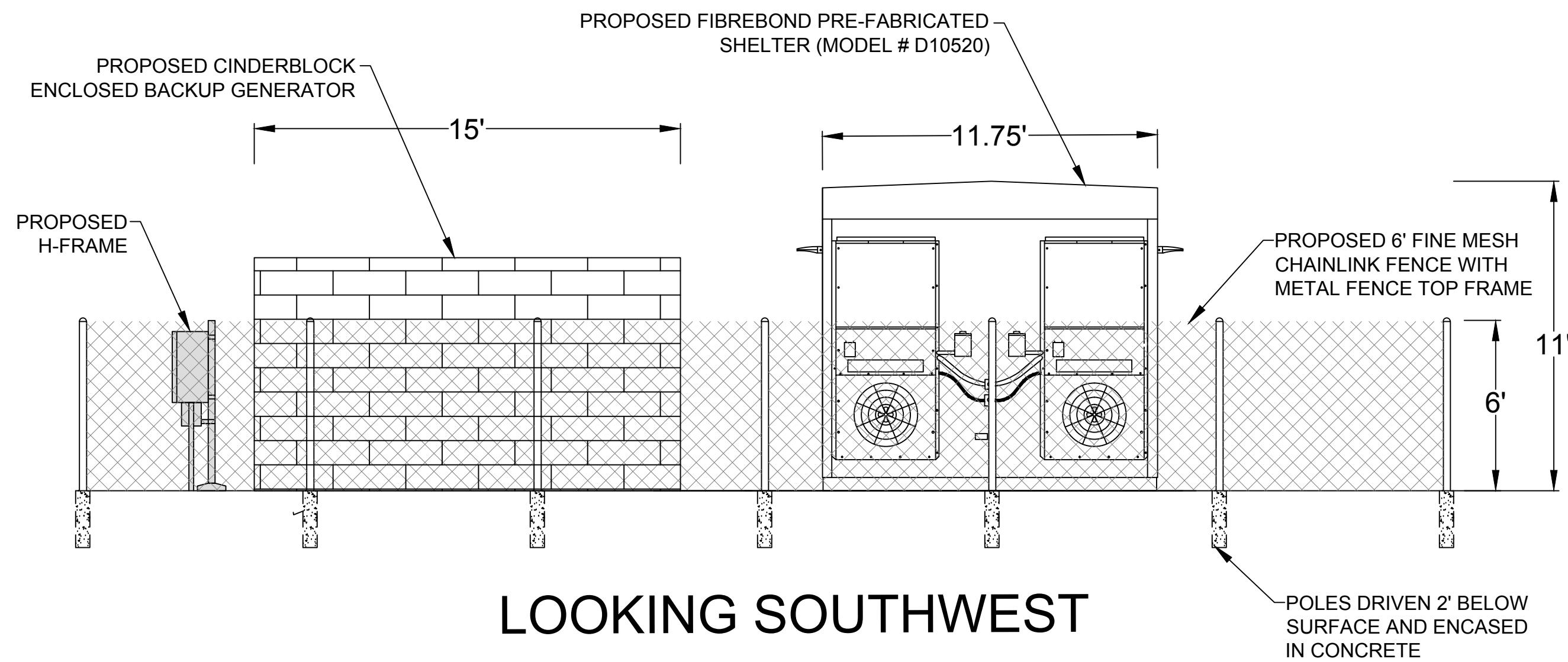
***NOTE:
UNDERGROUND UTILITY LOCATIONS ARE
APPROXIMATE AND SUBJECT TO CHANGE**



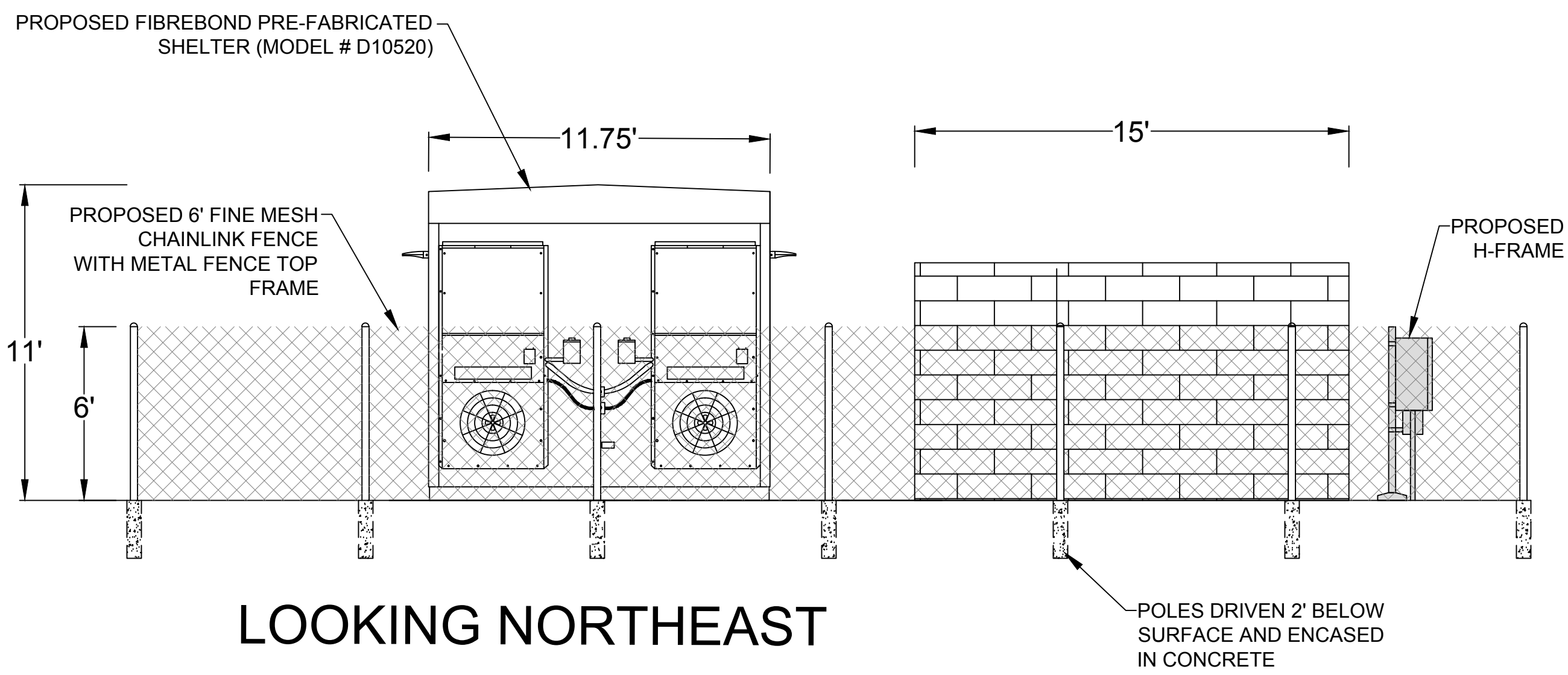
LOOKING SOUTHEAST



LOOKING NORTHWEST



LOOKING SOUTHWEST



LOOKING NORTHEAST

PROPOSED 6' FINE
MESH CHAINLINK
FENCE WITH METAL
FENCE TOP FRAME



CLIENT:

ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

PROJECT INFORMATION:

SFO107

BLOSSOM HILL RD & BLOSSOM PARK LN
SAN JOSE, CA 95118

SCALE: 1:4

CURRENT ISSUE DATE:

3/7/2016

ISSUED FOR:

REV:	DATE:	DESCRIPTION:	BY:

PLANS PREPARED BY:

ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

CONSULTANT:

DRAWN BY: CHK: APV:

SS KW DR

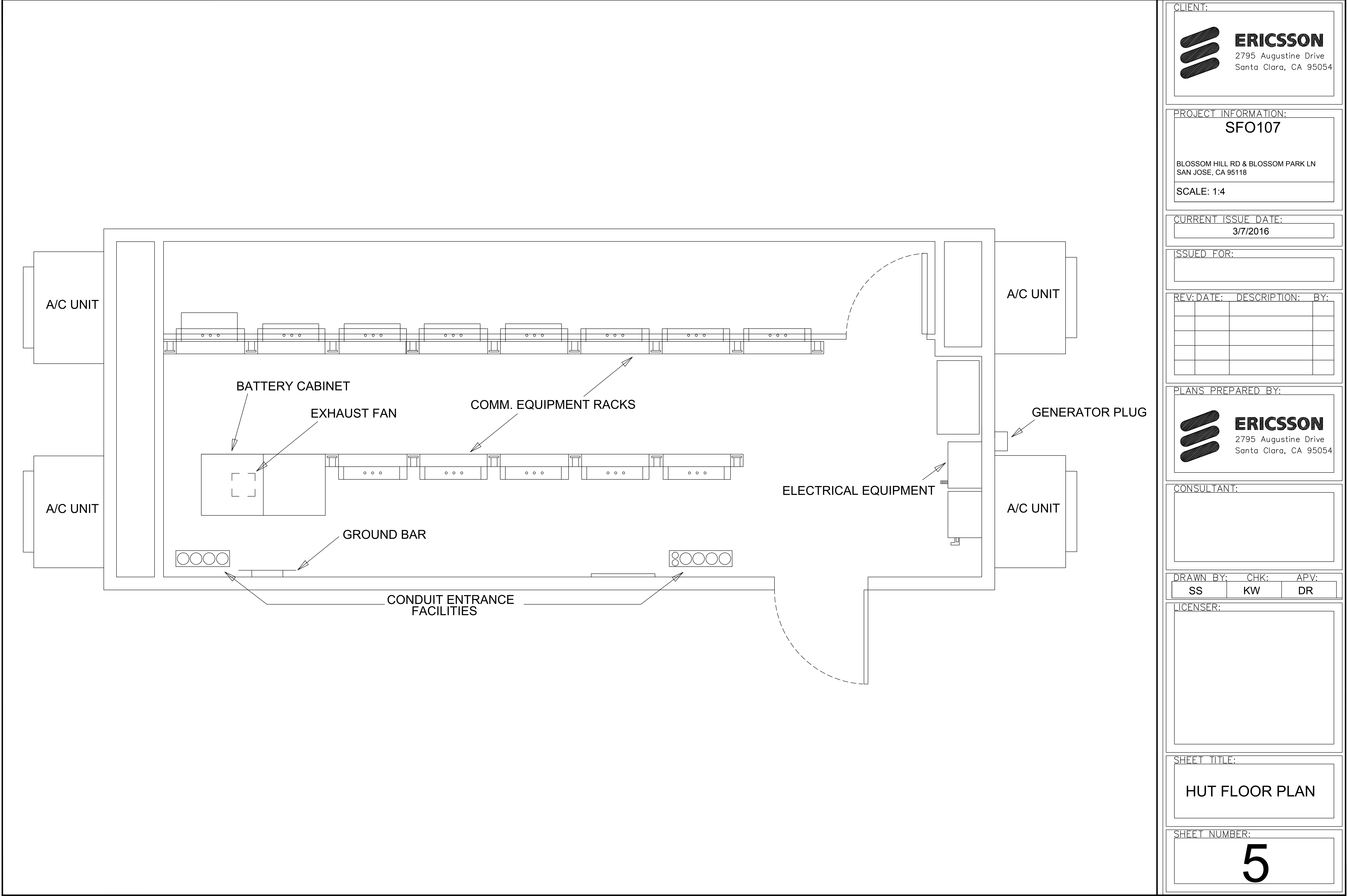
LICENSER:

SHEET TITLE:

PROFILE

SHEET NUMBER:

4



CLIENT:



ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

PROJECT INFORMATION:

SFO107

BLOSSOM HILL RD & BLOSSOM PARK LN
SAN JOSE, CA 95118

SCALE: 1:4

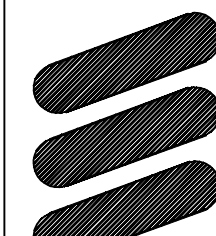
CURRENT ISSUE DATE:

3/7/2016

ISSUED FOR:

REV:	DATE:	DESCRIPTION:	BY:

PLANS PREPARED BY:



ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

CONSULTANT:

DRAWN BY:	CHK:	APV:
SS	KW	DR

LICENSER:

SHEET TITLE:

HUT FLOOR PLAN

SHEET NUMBER:

5



PIC 1: NORTH END OF PROPERTY



PIC 2: NORTH WEST CORNER



PIC 3: SOUTH END OF PROPERTY

CLIENT:



ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

PROJECT INFORMATION:

SFO107

BLOSSOM HILL RD & BLOSSOM PARK LN
SAN JOSE, CA 95118

SCALE: NTS

CURRENT ISSUE DATE:

3/7/2016

ISSUED FOR:

REV:	DATE:	DESCRIPTION:	BY:

PLANS PREPARED BY:



ERICSSON
2795 Augustine Drive
Santa Clara, CA 95054

CONSULTANT:

DRAWN BY:	CHK:	APV:
SS	KW	DR


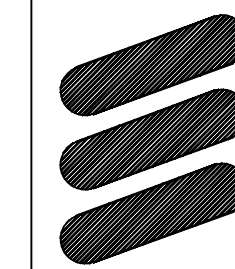
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SHEET TITLE:

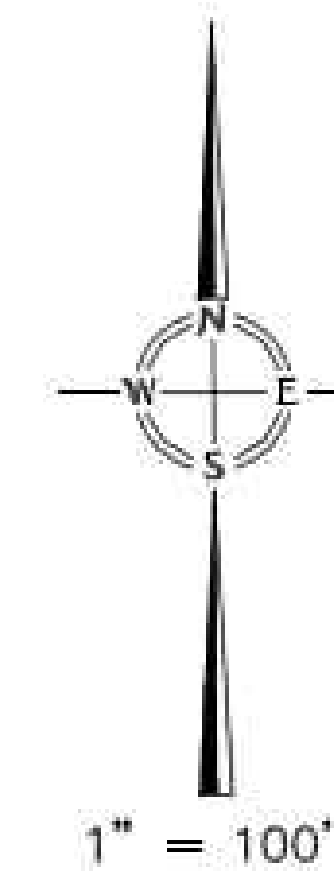
SITE PHOTOS

SHEET NUMBER:

6



7



Attachments:

Addendum to Mitigated Negative Declaration

Can be viewed online at:

<http://sanjoseca.gov/index.aspx?NID=4977>

The following
items were
received after
packets were
distributed.

From: jeanann2@aol.com <jeanann2@aol.com>

Sent: Saturday, March 19, 2016 8:52 AM

To: msyesney@gmail.com; dyob@hopkinscarley.com; edesab@yahoo.com; ballardshiloh@gmail.com; nick@nickpham.com; Ed@Abelite.com; brian.ohalloran@att.net; Lipoma, Emily; City Clerk

Subject: Google Fiber Conditional use Permits for March 23, 2016 Items 3abc

Commissioners,

Regarding the Google Fiber applications on your consent calendar:
Blossom Hill Road (CP15-075)
Guadalupe (CP15-077)
Williams Road (CP15-082)

I urge you to defer/deny these projects until the language of the CUP is changed to included landscaping for each of the boxes and their fencing.

The General Plan has a multitude of policies about aesthetics and design that lead to a higher quality of life. Specifically, Community Design 1.19 states utilities structures will be landscaped. Other design policies call for compatibility with the surrounding neighborhoods--which are not areas of barren chain link fence. These are not industrial areas.

CD-1.19 Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.

CD-1.22 Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.

Why are these projects not landscaped? Why are the GP policies being ignored?

The CP applications show an intention to build boxes in a cage, surrounded by chain link fencing. Since they will be surrounded by open space, they will be highly visible, even if they are "only" 11 ft tall and brown.

There's no apparent requirement to use plants to soften the hard institutional edge of chain link fencing. Everyday, I pass by a recently built similar structure on Almaden Expressway near Koch and the fencing is covered with plant life that softens the look. There are no homes nearby and Almaden Expressway is no garden spot, but the plants do soften that prison look and I appreciate it every time I pass. Why do these boxes not have a similar requirement?

It is unclear to me the distance between the fencing and the big boxes. I worry about graffiti. Boxes that are closely wrapped with fencing get "tagged" --fencing and all. The tags can't be removed without dismantling the fence--which doesn't happen with any regularity. A larger gap between fence and box provides opportunity for taggers. Utilities are notorious for not conforming to the 24 hour policy for cleaning graffiti. It is prudent to believe that these folks will be similar. Vegetation screening would solve this problem. The vandals don't tag plants.

Drought tolerant plants require little care after establishment. Though inconvenient at the start, the benefit to the community is great.

Please deny/defer these CUPs until landscape screening is part of the plan.

Sincerely,
Jean Dresden